REMARKS

In accordance with the foregoing, claim 1 has been amended and claims 20 and 21 have been added. No new matter is presented in this Amendment. Therefore, claims 1-19 are pending and reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1-19 are rejected under 35 U.S.C. §103(a) as being unpatentable over by Ma et al (EP 1085509) in view of Eastman (U.S. Patent 5,646,919). This rejection is overcome.

Regarding the rejections of claims 1, 7, 13, 14, 15, 16, and 17, it is noted that, these claims are directed to detecting a radial tilt based on a phase difference of second and first phase comparison signals obtained when a laser beam crosses a track on a disc. An advantage of the claimed method being that the phase difference used in the detection of the radial tilt (the Rs value) is not substantially affected by a variation of a detrack value, which is explained in the specification at paragraphs [0036]-[0040]. Neither Ma nor the '919 patent disclose the claimed method or offer the advantages provided by the claimed method.

In particular, with respect to the '919 patent, which is directed to an apparatus and a method for providing dynamic tracking error detection and control in an optical recording system, it is noted that the '919 patent discloses the correlations of variations in a mark formation effectiveness (MFE) signal and position signals to provide a dynamic tracking error signal (TES) that is utilized in a servo loop. However, as shown in FIGS. 2a, 2b, 6, and 7 of the '919 patent, the recording spot S1 occupies and moves between three positions A, B, C, which are only disposed around the groove centerline CL1. In other words, while the '919 patent seems to disclose the movement of the recording spot (i.e., a laser beam generating the recording spot) around a groove centerline so as to generate the MFE for the TES, the '919 patent fails to disclose that this movement involves the crossing of tracks, as in the claimed invention, but rather, is merely directed to the generation of a tracking signal.

Further, it is noted with reference to FIG. 6 in the present application and its related description, even though the travel path of the laser beam is inclined non-perpendicularly with respect to the track, since the disc rotates, it can be understood that the travel path of the laser beam of the claimed invention crosses the track in a radial direction. In other words, the laser beam of the claimed invention does not follow the track.

In contrast, as shown in FIG. 6 of the reference to the '919 patent, although the spot appears to cross the groove center line CL1, the spot clearly appears to follow the longitudinal

direction of the track as well. Thus, unlike the claimed invention, it can be understood that the spot in the '919 patent follows the track.

Thus, since the reference to Ma fails to cure the defects of the '919 patent (and is not cited for that purpose), applicants respectfully assert that the claimed invention is patentably distinguished from the combination of Ma and the '919 patent, and that, therefore, the rejection of claims 1, 7, 13, 14, 15, 16, and 17 is overcome.

Regarding the rejections of claims 2-6, 8-12, 18, and 19, it is noted that these claims depend from claims 1, 7, and 17, and are therefore allowable for at least the reasons as set forth above.

NEW CLAIMS 20 AND 21:

Applicants note that new claims 20 and 21 have been added and are believed to be allowable due at least to their respective dependence on claim 1, which is believed to be allowable as noted above.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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